HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.15022 of 2006

O R D E R:

This writ petition is filed praying for issuance of a writ of mandamus declaring the proposed action of the respondent for initiating steps for demolition of the construction made in Ward No.14, Block No.13, T.S.No.1/35-1246, Door No.13-1-40 in Subash Road, Kakinada, without following the due process of law, as highly arbitrary, unjust, abuse of power and in violation of principles of natural justice and for consequential order directing the respondent not to proceed with the proposed action of demolition without following the due process of law and pass such other suitable orders.

Sri Challa Dhananjaya, learned counsel for the petitioner, states that without following the due process of law, the respondent-corporation is trying to take up demolition activity.

Sri C.Nageswara Reddy, learned standing counsel for the respondent-corporation, however, states that the writ petition is filed only on apprehension.

In para 6 of the affidavit filed in support of the writ petition, it is stated that the officials and the staff of the respondent came to the premises on 17.7.2006 and took measurements of the construction made by the petitioner.

The petitioner objected as to why they were taking measurements without giving prior notice. In response to the same, the officials informed that there is a complaint stating that the petitioner had deviated from the approved plan. Several other factual details have also been narrated.

It is needless to mention that when the respondent-corporation intends to proceed with the demolition activity, it is bound to follow due process of law.

In view of the same, the writ petition is disposed of with a direction to the respondent-corporation not to carryout any demolition activity in relation to the subject matter of the writ petition unless the due process of law is followed. No order as to costs.

20.07.2006

Note: Furnish copy by tomorrow.

B/o

bcj